

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|-------------------------------------|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Nora Chanko | Team: Squad #3 | CCRB Case #: 201800452 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 01/16/2018 5:25 PM, Wednesday, 01/17/2018 | Location of Incident: § 87(2)(b) | Precinct: 07 | 18 Mo. SOL 7/16/2019 | EO SOL 7/16/2019 | |
| Date/Time CV Reported Thu, 01/18/2018 3:15 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 01/18/2018 3:15 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------------|--------|--------|---------|
| 1. Officers | | | |
| 2. POM Martin Rowley | 31790 | 953345 | PSA 4 |
| 3. POF Dianny Menazapata | 14395 | 956920 | PSA 4 |
| 4. An officer | | | |
| 5. LT Kenneth Herrarte | 00000 | 941039 | PSA 4 |
| 6. DI John Potkay | 00000 | 922987 | PSA 4 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. SGT David Fagnoli | 04911 | 928270 | PSA 4 |
| 2. SGT Ricardo Montilla | 5419 | 947270 | PSA 4 |
| 3. LT Michael Granahan | 00000 | 934957 | E S U |
| 4. POM Michael Gerald | 07398 | 938552 | PSA 4 |
| 5. POM Kuanhong Lin | 18351 | 958820 | PSA 4 |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|---|-----------------------------|
| A.POM Martin Rowley | Abuse: On January 16, 2018, Police Officer Martin Rowley entered § 87(2)(b) in Manhattan. | § 87(2)(b) |
| B.POF Dianny Menazapata | Abuse: On January 16, 2018, Police Officer Dianny Menazapata entered § 87(2)(b) in Manhattan. | § 87(2)(b) |
| C.LT Kenneth Herrarte | Abuse: On January 16, 2018, Lieutenant Kenneth Herrarte searched § 87(2)(b) in Manhattan. | § 87(2)(b) |
| D. Officers | Abuse: On January 16, 2018, officers damaged § 87(2)(b)'s property. | § 87(2)(b) |
| E.DI John Potkay | Abuse: On January 16, 2018, Deputy Inspector John Potkay entered § 87(2)(b) in Manhattan. | § 87(2)(b) |
| F.DI John Potkay | Abuse: On January 16, 2018, Deputy Inspector John Potkay forcibly removed § 87(2)(b) to the hospital. | § 87(2)(b) |
| G. Officers | Abuse: On January 16, 2018, officers searched § 87(2)(b) in Manhattan. | § 87(2)(b) |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------|--|-----------------------------|
| H. An officer | Abuse: On January 17, 2018, an officer threatened to damage § 87(2)(b)'s property. | |

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via phone on January 18, 2018.

At approximately 5:25 p.m. on January 16, 2018, § 87(2)(b) was in her apartment at § 87(2)(b) with her § 87(2)(b)-old daughter § 87(2)(b) and her § 87(2)(b)-old daughter § 87(2)(b). A neighbor, who wished to remain anonymous both to the NYPD and the CCRB, called 911 to report that he heard screaming in § 87(2)(b) and it sounded like someone was being hit. Martin Rowley and PO Dianny Menazapata, both of PSA 4, arrived, and allegedly entered § 87(2)(b)'s apartment (**Allegation A: Abuse of Authority, § 87(2)(g)**; **Allegation B: Abuse of Authority, § 87(2)(g)**). Additional officers arrived from PSA 4, including Lt. Kenneth Herrarte, who removed the peephole (**Allegation C: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) opened a closet door so that it blocked the officers' view of the interior of the apartment from the hallway, and officers put their asps through the peephole to move the closet door out of the way, damaging the closet door (**Allegation D: Abuse of Authority, § 87(2)(g)**). Officers spoke to the caller in his apartment, § 87(2)(b). PO Cpt. John Potkay of PSA 4 (who since has been promoted to the rank of Deputy Inspector), arrived, along with ESU and EMS. Cpt. Potkay instructed ESU to enter the apartment (**Allegation E: Abuse of Authority, § 87(2)(g)**). Cpt. Potkay decided to remove § 87(2)(b) to the hospital for evaluation (**Allegation F: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) returned home after being released from the hospital, and alleged that her apartment had been searched in her absence (**Allegation G: Abuse of Authority, § 87(2)(g)**). At approximately 3:30 a.m. on January 17, 2018, the Administration for Children's Services (ACS) arrived and called the police. An officer threatened to have ESU take § 87(2)(b)'s door down again if she did not open the door (**Allegation H: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) did not open the door and eventually the officers left. No arrests were made or summonses were issued as a result of this incident.

Video footage regarding this incident was obtained, and can be found at 03 Board Review. The summary can be found at 14 Board Review.

Findings and Recommendations

Allegation (A) Abuse of Authority: On January 16, 2018, Police Officer Martin Rowley entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: On January 16, 2018, Police Officer Dianny Menazapata entered § 87(2)(b) in Manhattan.

§ 87(2)(b) stated that on the afternoon of January 16, 2018, she was in her home with her daughters, § 87(2)(b) and § 87(2)(b). One of § 87(2)(b)'s friends was over playing, but left around 6:00 p.m. § 87(2)(b) had been to the hospital earlier that day for a preexisting back-pain condition, and was sleeping off drugs she had been given at the hospital. § 87(2)(b) was on a couch in the living room, which is not directly in sight of the front door. To § 87(2)(b)'s knowledge nobody in the apartment was arguing, yelling or fighting. § 87(2)(b) did not know of any noise emanating from her apartment, and did not hear any noise from her neighbors' apartments. Shortly after § 87(2)(b)'s friend left, § 87(2)(b) heard the sound of the front door opening. § 87(2)(b) assumed that § 87(2)(b) and her friend

had left the door unlocked. § 87(2)(b) asked who was there but received no response. § 87(2)(b) got up and walked towards the front door, at which point she saw PO Rowley and PO Menazapata about five feet inside her apartment, standing in the foyer area. At this time § 87(2)(b) was asleep and § 87(2)(b) was in the shower singing to herself. § 87(2)(b) provided her ID to PO Rowley while he was inside, and then closed the door, leaving the officers outside the apartment (this is discussed further under Allegations C-E).

PO Rowley stated that he received a job over the radio regarding an assault in progress and a screaming child, reported by a downstairs neighbor. PO Rowley and PO Menazapata, who were assigned to Sector B, arrived shortly after receiving the call, and were the first unit on scene. PO Rowley did not hear anything from inside § 87(2)(b)'s apartment. PO Rowley "did his normal procedure," which is to check the door to see if it was open, because he was trained in the Police Academy that in "most family jobs they leave the door open if they need help." The door was open, and PO Rowley stepped into the apartment. PO Rowley also said that, prior to opening the door, he asked the dispatcher for more information, and they said there were two children in the house. PO Rowley said that the dispatcher had verified the call. PO Rowley did not take any other steps prior to entering the apartment; he did not knock or call into the apartment prior to entering, nor did he attempt to announce his presence before entering. PO Menazapata did not enter the apartment at this time, nor did anyone else.

PO Menazapata denied ever entering the apartment and did not remember anyone entering the apartment. She stated that she stood by the stairwell, about 10 feet from the apartment door, while waiting for § 87(2)(b) to open the door.

At the beginning of the radio communications from the incident, the central dispatcher says they are receiving an assault in progress regarding a family at § 87(2)(b) on the second floor in § 87(2)(b) (01 Board Review). The dispatcher adds that a male caller reported screaming from the location that sounded like someone was being hit, and that the screaming stops and starts again. Sector B says they are responding, and Sector A says they are backing. At 5:27 p.m., the dispatcher adds that an anonymous caller stated he heard a female and child screaming on another floor. At 5:28 p.m., an officer from Sector B asks that the dispatcher try the callback and find out which floor the caller called from. The dispatcher does so, and at 5:29 p.m., tells the unit that she checked the callback number and the anonymous caller states that he heard the screaming from Apt. 2A on the second floor. The dispatcher does not provide any additional information at that time. At 5:35 p.m., a female, whose voice sounds like that of § 87(2)(b) says, "I'm showing you my ID." No police unit identified themselves at the beginning of that transmission. § 87(2)(b)'s voice is audible again at 5:36 p.m., and a few seconds later, Sector A asks for a supervisor.

Courts have found that officers had a valid basis for an objective belief that an emergency existed based on the nature and specificity of a 911 call, the speed with which officers responded, and the response by the person who answered the door. The emergency doctrine has three prongs that must be satisfied, which are as follows: the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; the search must not be primarily motivated by intent to arrest and seize evidence; and

there must be some reasonable basis to associate the emergency with the area or place to be searched (People v. DePaula, 179 A.D.2d 424 (1992)) (05 Board Review).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: On January 16, 2018, Lieutenant Kenneth Herrarte searched § 87(2)(b) in Manhattan.

Allegation (D) Abuse of Authority: On January 16, 2018, officers damaged § 87(2)(b)'s property.

§ 87(2)(b) stated that once PO Rowley and PO Menazapata were inside her apartment, she asked how she could help them. The officers asked if she had called the police, and said they had gotten a call regarding a domestic dispute in the apartment. § 87(2)(b) said she did not know what they were talking about, and wanted them to leave. § 87(2)(b) walked towards the officers, who stepped backwards. The officers asked if there was anyone else inside, and § 87(2)(b) said there was not. Both officers stepped out of the apartment, but PO Rowley left his foot in the threshold of the door so it could not close, and asked for her ID. § 87(2)(b) provided it, and PO Rowley took his foot out of the door. § 87(2)(b) then closed the door. Over the course of the next 45 minutes, officers continued to knock on her door and ask if they could speak with her or her children, and said they just wanted to talk. An officer “smashed in” her peephole with their baton. § 87(2)(b) opened the closet doors within her apartment so that they blocked the view of the apartment from the hallway. Officers periodically slid their batons through the opening where the peephole had been to hit the closed doors in an attempt to gain visual access to the apartment. § 87(2)(b)'s closet doors were damaged as a result of this.

A video taken by § 87(2)(b) during the incident was provided by her lawyer and can be found at 03 Board Review. At 00:48 in the video, damage to a closed door to the right of the apartment door is visible, and § 87(2)(b) says the damage was caused by the police. A SnagIt clip of this portion of the video can be found at 15 Board Review.

PO Rowley stated that once he entered the apartment, he announced himself as police, and § 87(2)(b) rushed towards him and started yelling. PO Rowley tried to explain why he was there, and told § 87(2)(b) that if there were children inside they would just make sure they were okay and would then leave, but she did not answer his questions. PO Rowley asked for § 87(2)(b)'s ID, which she provided, and then she pushed him out of the apartment. Sgt. Fagnoli and Lt. Herrarte arrived, and PO Rowley told them what had occurred. Sgt. Fagnoli, put his asp through the peephole while a door from the closet was in front of the front door. After the apartment was entered, PO Rowley stood by while Housing ESU responded to secure the door. PO Rowley did not notice any damage to the closet doors.

Lt. Herrarte responded to the location in regards to the assault in progress, and heard § 87(2)(b) screaming that she was not going to open the door. PO Rowley and PO Menazapata were present. Lt. Herrarte thought that § 87(2)(b) briefly opened the door and then closed it. Lt. Herrarte tried to speak with § 87(2)(b) but she refused to open the door. Lt. Herrarte tried to call the callback number from his cell phone a few times but there was no answer. PO Rowley had § 87(2)(b)'s ID, though Lt. Herrarte did not remember PO Rowley saying how he had obtained it. Lt. Herrarte remembered her face from an interaction a few months prior when he responded to a job that also had come over as an assault in progress to find § 87(2)(b)'s boyfriend beating her up. As the Special Operations Lieutenant, Lt. Herrarte is responsible for domestic violence, and knew that § 87(2)(b) was a victim of domestic violence outside of the prior incident he witnessed personally. Based on this information, Lt. Herrarte removed the peephole from the door. Lt. Herrarte called his Commanding Officer, Cpt. Potkay, and called ESU. Lt. Herrarte left the scene prior to officers entering the apartment. Lt. Herrarte denied damaging any property in the apartment.

Sgt. Fagnoli did not notice any damage to anything inside the apartment, and other than the lock on the front door, he did not know of any property damage. Sgt. Fagnoli did not remember whether any action had been taken regarding the peephole prior to ESU breaching the door. Sgt. Fagnoli never looked into the apartment through the peephole.

Cpt. Potkay arrived on scene and saw that the peephole had been removed but was blocked. Cpt. Potkay did not know whether anyone put their asp through the peephole to move the closet door out of the way. Cpt. Potkay did not see any damage to the closet door, and denied damaging it.

Lt. Granahan stated that the only property that was damaged was the peephole and the locking mechanism. Lt. Granahan did not notice any damage to the closet door, and did not recall himself or any other ESU officers damaging the closet door.

Officers may remove an apartment's peephole to assess a situation visually if the totality of information possessed by the police, including developing circumstances, warrants a reasonable belief that there is an emergency occurring inside the apartment (People v. Guzman, 746 N.Y.S.2d 481 (2002)) (04 Board Review).

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: On January 16, 2018, Deputy Inspector John Potkay entered § 87(2)(b) in Manhattan.

§ 87(2)(b) stated that after the officers looked into the apartment through the hole where her peephole had been, an officer in a white shirt asked to see her daughters, and § 87(2)(b) said no. During this time § 87(2)(b) called 911 and was connected to IAB, who told her to open the door. § 87(2)(b) did not open this door, and around that time, ESU officers broke through her door, forcibly put her on the floor and placed her in handcuffs. (Because the force alleged was minor and only used to put her in custody, no separate allegation was pleaded. In addition, § 87(2)(b) alleged that she dropped her phone, which was damaged as a result, but that was also subsumed into the entry allegation.) § 87(2)(b) denied that she or her daughters ever threw anything out of the apartment windows. § 87(2)(b) stated that there are two apartments with the number “§ 87(2)(b)” on her floor, both of which come off of the same hallway; one is in § 87(2)(b) and the other is in § 87(2)(b). § 87(2)(b) believed the officers went to the wrong apartment.

Cpt. Potkay stated that he received a call from Lt. Herrarte, who said he responded to the assault in progress, and had dealt with § 87(2)(b) during the prior job when her boyfriend assaulted her, as discussed above. Lt. Herrarte said that an officer had spoken with the downstairs 911 caller, and that additional neighbors said that § 87(2)(b) was “crazy” and that they hear screaming coming from the apartment all the time. Cpt. Potkay responded to the scene, and learned that § 87(2)(b) had pushed the first officers to arrive out of her apartment. Lt. Herrarte was gone by the time Cpt. Potkay arrived, but he spoke with Sgt. Fagnoli and ESU, who instructed the officers to wait in the stairwell while they tried to speak with § 87(2)(b) and explain that they just wanted to see her daughters and make sure everyone was okay. Cpt. Potkay briefly went into the hallway, and saw that the peephole had been removed but was blocked. While in the stairwell, Sgt. Fagnoli got a call from the Chief of Patrol or the Chief of Department’s office saying that there was an active

ACS case in the apartment. Cpt Potkay also saw prior complaint reports, some of which were related to sealed arrests, regarding assault, harassment, and domestic violence. The 7th Precinct was investigating one of these complaints, which listed § 87(2)(b) as the perpetrator of child abuse against her § 87(2)(b)-old daughter, which came through the District Attorney's office. Also during this time, officers were stationed outside the apartment building, near the window, and reported that things were being thrown out the window. Cpt. Potkay said the officers initially thought it was contraband, but then learned that it was not. At this point, Cpt. Potkay instructed ESU to enter based on the 911 caller reporting that it sounded like someone was being assaulted, the past history in the apartment, the blocked peephole, the items being thrown out of the window, the complaint from the DA's office, the complaint regarding § 87(2)(b)'s boyfriend assaulting her previously, and § 87(2)(b)'s behavior of screaming, shutting the door on the officers, and refusing to let them in. Those were the only factors Cpt. Potkay could think of. Cpt. Potkay subsequently entered the apartment but did not search it and denied that anyone else did so, which will be further discussed under Allegation G. Cpt. Potkay denied that there was any confusion as to whether they had the right apartment '§ 87(2)(b) on the second floor because the 911 caller was directly below the apartment he reported the screaming in, at § 87(2)(b)

Courts have found that officers had a valid basis for an objective belief that an emergency existed based on the nature and specificity of a 911 call, the speed with which officers responded, and the response by the person who answered the door. The emergency doctrine has three prongs that must be satisfied, which are as follows: the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; the search must not be primarily motivated by intent to arrest and seize evidence; and there must be some reasonable basis to associate the emergency with the area or place to be searched (People v. DePaula, 179 A.D.2d 424 (1992)) (05 Board Review).

§ 87(2)(g)
[REDACTED]

Allegation (F) Abuse of Authority: On January 16, 2018, Deputy Inspector John Potkay forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) stated that after she was placed in handcuffs inside the apartment, she was placed on a stretcher and removed from the apartment. § 87(2)(b) was taken to a branch of § 87(2)(b) on 1st Avenue and 16th Street. § 87(2)(b) denied making any threats during the incident. § 87(2)(b) was discharged after about two-and-a-half hours later without being diagnosed with anything, to her knowledge.

Cpt. Potkay stated that after ESU entered the apartment, they placed § 87(2)(b) in handcuffs and brought her to the hallway of the apartment building. § 87(2)(b) did not stop screaming, and threatened to sue the officers and kill her neighbors. Cpt. Potkay thought § 87(2)(b) was possibly intoxicated based on her behavior throughout the entire incident, which was not that of a rational human being. There were no other reasons why Cpt. Potkay thought § 87(2)(b) was intoxicated. Cpt. Potkay said the situation was not good, and he did not feel good about just leaving § 87(2)(b) with her children in that situation. There was an EMS supervisor next to Cpt. Potkay, who said that § 87(2)(b) needed to be checked out, and Cpt. Potkay agreed. Cpt. Potkay said it was his decision to take § 87(2)(b) to the hospital to get checked out, though the EMS supervisor either, “said it, or recommended it, or was in agreement.” Cpt. Potkay made this decision because § 87(2)(b) was screaming, cursing, threatening, appeared to be intoxicated, was unable to deescalate, was unable to understand that they were there to help, and appeared to be increasingly mad and upset. Cpt. Potkay believed that § 87(2)(b) could cause serious harm to herself or another based on her verbal threat and because she seemed emotional, agitated, full of rage, and was screaming and yelling. They determined that there was no assault in the apartment, and to Cpt. Potkay’s knowledge, no one in the apartment had injuries. There was no discussion with § 87(2)(b) regarding her mental health diagnoses or medication before her removal to the hospital was facilitated. § 87(2)(b) was removed to § 87(2)(b).

Patrol Guide procedure 221-13 requires that officers take a person into protective custody when they reasonably believe a person who is apparently mentally ill or emotionally disturbed is conducting themselves in a manner likely to result in a serious injury to themselves or others (06 Board Review).

§ 87(2)(g)
[REDACTED]

Allegation (G) Abuse of Authority: On January 16, 2018, officers searched § 87(2)(b) in Manhattan.

§ 87(2)(b) stated that she was discharged from the hospital and returned home at approximately 10:55 p.m. and saw that her apartment had been “raided.” She specifically noted that pillows and blankets from the couch had been thrown on the floor, a recliner that was usually upright had been extended open, the mattress in her bedroom had been flipped over, and the drawers or cabinets under her TV stand were open. § 87(2)(b) was told by § 87(2)(b) that she saw officers “looking through her couch and bedroom,” but did not know what she meant.

§ 87(2)(b) stated that after officers entered the apartment and handcuffed § 87(2)(b) two or three officers brought her and § 87(2)(b) to the hallway outside the apartment, and then took them to the hospital. § 87(2)(b) did not describe the officers searching the apartment.

Of the seven officers interviewed regarding this portion of the incident, PO Rowley, Sgt. Farnoli, Cpt. Potkay, and Lt. Granahan stated that they entered the apartment. All of these officers denied searching the apartment. Lt. Granahan, the ESU supervisor present, said that ESU officers conducted a search of the apartment, and checked areas such as bedrooms, bathrooms, or closets for any other people who could be involved. Lt. Granahan did not see any other officers search the apartment. Lt. Granahan did not see any officers moving things around or touching anything. Lt. Granahan denied seeing anyone take the actions alleged by § 87(2)(b) including moving anything from the couch to the floor, opening a recliner, etc.

Sgt. Farnoli stated that he and PO Cifuentes entered the apartment after ESU cleared it, but neither of them searched the apartment. Sgt. Farnoli did not think any officers searched the apartment, except for ESU. Sgt. Farnoli denied instructing any officers to search the apartment.

Cpt. Potkay entered after ESU, and PO Cifuentes and PO Velandia entered as well. Cpt. Potkay did not search the apartment, did not see anyone search, and denied instructing anyone to do so.

§ 87(2)(b) alleged that officers took several actions inside her apartment which constituted a search, including moving things around and opening compartments which would be too small for a person to hide in, such as the cabinets under her TV stand. No officer stated that they took the alleged actions, witnessed anyone do so, or instructed anyone to do so. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (H) Abuse of Authority: On January 17, 2018, an officer threatened to damage § 87(2)(b)'s property.

§ 87(2)(b) stated that at approximately 3:00 a.m., while she was at home after returning from the hospital, officers returned to her home and knocked on the door. An officer said, § 87(2)(b) “we know you are home, please open your door or we will get Emergency Services to take down your door again.” § 87(2)(b) said the officer’s voice sounded like the voice of an officer she had interacted with during the earlier incident, who she described as a white male, standing about 6’1” tall, with a heavy build, wearing a white shirt and glasses. No officers made other statements, and § 87(2)(b) did not respond to the officers. After about 30 minutes, the officers left.

The detailed Event from this incident shows that one sector from the 7th Precinct responded, and one sector from PSA 4 responded (07 Board Review). No supervisory units are listed, nor are any units who worked Tour 3 on the previous day. The radio communications from the incident show that Sector D from PSA 4 responded, and then gave the disposition upon completion (08 Board Review). No other units went over the radio as having responded.

PO Geraldini and PO Lin were assigned to Sector D and interviewed at the CCRB. Both officers had memo book entries noting the job and the disposition, but neither remembered the incident (09 Board Review). PO Geraldini denied making the alleged statement or any threats to damage property, and PO Lin did not remember making the alleged statement or any threats.

PO Bellissimo and PO Reiss were assigned to patrol the Baruch houses, and both were interviewed at the CCRB. PO Bellissimo had an entry about the job, while PO Reiss did not (10 Board Review). Neither remembered the incident, and both denied making the alleged statement.

§ 87(2)(b) alleged that an officer threatened to have ESU take down her door again if she did not open her door. § 87(2)(b) never saw this officer, but thought the voice sounded like that of an officer she had seen during the previous incident. However, no officers from the prior tour are noted as responding in the Event or radio communications, and no one matching the description of the officer responded to this job. None of the officers who were present remembered the incident or remembered making the threats. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (11 Board Review).
- Cpt. Potkay has been a member-of-service for 20 years and has been a subject in one CCRB complaint and three allegations, of which two were substantiated:
 - 200108292 involved substantiated allegations of physical force and refusal to obtain medical treatment against Cpt. Potkay. The Board recommended charges for each, and the NYPD imposed Command Discipline A for the force and no punishment for the refusal to obtain medical treatment.
 - § 87(2)(g)
- PO Rowley has been a member-of-service for six years and has been a subject in one CCRB complaint and four allegations, none of which were substantiated. § 87(2)(g)
- Lt. Herrarte has been a member-of-service for 12 years and has been a subject in one CCRB complaint and five allegations, none of which were substantiated. § 87(2)(g)
- PO Menazapata has been a member-of-service for four years and this is the first CCRB complaint for which he has been a subject.

Mediation, Civil and Criminal Histories

- | | | | |
|---------------|-----------|--------------------|------|
| Squad No.: 3 | | | |
| Investigator: | Signature | Print Title & Name | Date |
| Squad Leader: | Signature | Print Title & Name | Date |
| Reviewer: | Signature | Print Title & Name | Date |